

### **REMARKS**

The present Amendment is submitted in response to the Office Action dated October 30, 2008, which set a three-month period for response. Applicants thank the Examiner for the indication of the allowability of claims 2, 8 and 14. Claims 1, 2, 3, 8, 9, 13 and 14 are amended. New claims 15-22, corresponding in subject matter to claims 3, 4, 10, 11, 5, 6, 7 and 12, respectively, depend from amended independent claim 2. New independent claim 23 is directed to a magnetic levitation vehicle. Claims 1-23 are pending hereinafter, where claims 1, 2, 14 and 23 are independent claims. Reconsideration and allowance of the application in view of the amendments above and the following remarks is respectfully requested.

Claims 1, 6, 9, 12 and 13 are rejected under 35 USC §102(b) as anticipated by US Patent No. 5,467,718 to Shibata, et al. (Shibata). Claims 3, 4, 10 and 11 are rejected under 35 USC §103(a) over Shibata. Claim 5 is rejected under 35 USC §103(a) over Shibata in view of US Patent Application Publication No. 2004/0123766 to van den Bergh, et al. (van den Bergh). Claim 7 is rejected under 35 USC §103(a) over Shibata in view of US Patent No. 6,450,103 to Svensson (Svensson).

Applicant respectfully submits that Shibata, taken alone or in combination with Bergh, or in combination with Bergh or Svensson, neither anticipates nor renders obvious any of rejected claims 1, 3-7 and 9-13 or newly presented claims 15-23, for at least the following reasons.

Applicants' independent claim 1 sets forth a magnet arrangement for a magnetic levitation vehicle (1) comprising at least one magnetic pole (11) consisting of a core (14) and a winding (12), a control circuit (18) connected to the winding (12) and a power

supply unit (23,24; 24, 41; 24, 47) for supplying at least the electrical energy required for the control circuit (18), characterized in that the magnet arrangement is constructed as an autonomous modular unit integrating within itself the magnetic pole (11), the control circuit (18) and the power supply unit (23, 24; 24, 41; 24, 47).

Applicants' new independent claim 23 sets forth a magnetic levitation vehicle having a plurality of magnet arrangements, each magnet arrangement comprising at least one magnet pole (11) consisting of a core (14) and a winding (12), a control circuit (18) connected to the winding (12) and a power supply unit (23; 24; 24, 41; 24, 47) for supplying at least the electrical energy required for the control circuit (18), characterized in that the magnet arrangement is constructed as an autonomous modular unit integrating within itself the magnetic pole (11), the control unit (18) and the power supply unit (23, 24; 24, 41; 24, 47)..

Shibata, as distinguished, shows a vehicle A in Fig. 2 having mounted on an upper surface of a main body A1, a power receiving unit 23 for receiving an electromotive force generated in a pickup coil 19, a battery 10 for supplying power to electromagnets 2 acting as levitating magnetic force generating means, and a control device 9 for controlling power supplied to the electromagnets 2. The control device 9 confirms a levitation level of the vehicle A based on detection signals received from gap sensors (not shown), produces a signal for controlling electrification of the levitating electromagnets 2, and outputs this signal to a power circuit 25 included in the power receiving unit 23 connected to the electromagnets 2 (Shibata's Fig. 6).

Shibata's designator "A" designates the vehicle, not an autonomous modular magnet arrangement. Shibata's reference numeral 23 designates a power receiving

circuit, not a control circuit. Shibata's numeral 9 designates a control circuit (control device) [col. 8, lines 36-48]. Shibata's numeral 19 designates a pick-up coil, not a power supply unit. Shibata shows four electromagnets 2 at four corners of the vehicle [col. 7, lines 1-3], each comprising two magnet poles each. The 8 magnet poles controlled by single control device 9, which transmits information to all four drive circuits 30, corresponding to electromagnets 2 [col. 12, lines 33-43].

Shibata teaches the use of only one pick-up coil 19 to supply energy to only one power receiving circuit 23, which is located somewhere between the front and rear end of vehicle A. Hence, neither power receiving circuit 23 nor circuits 30 can be said to comprise an autonomous modular unit, as claimed. Because there is only one power receiving circuit 23 for all four of Shibata's electromagnets 2, a great deal of cabling must be included. Because the control device 9 including circuits 30 is located in the mid portion of vehicle A, additional cabling must be included. The shortcomings of these types of arrangements are disclosed in applicant's Specification at page 1, line 24 through page 2, line 2.

Applicants' independent claims, as distinguished, require that each magnet arrangement is constructed as an autonomous modular unit with a dedicated control circuit and power supply circuit. The benefits of such an autonomous modular magnet arrangement construction are set forth in detail in applicant's Specification at page 2, lines 23-26, and page 2, line 30-page 3, line 10. Such benefits include reducing expenditure on cabling and performing repair and maintenance.

In view of the fact that amended independent claim 1 and new claim 23 recite that each magnet arrangement is constructed as an autonomous modular unit with a

dedicated control circuit and power supply circuit, which is not disclosed by Shibata, Shibata does not anticipate amended independent claim 1 or new independent claim 23.

Applicant further respectfully asserts that Shibata is not a proper reference under 35 USC §102 pursuant to the guidelines set forth in the last paragraph of MPEP §2131, where it is stated that "a claim is anticipated only if each and every element as set forth in the claims is not found, either expressly or inherently described, in a single prior art reference," and that "the identical invention must be shown in as complete detail as is contained in the ... claim."

Amended independent claim 1, and newly presented independent claim 23 are therefore patentable under 35 USC §102(b) over Shibata. Claims 6, 9, 12 and 13 depend from claim 1 and are patentable for at least the same reasons. Applicant, therefore, respectfully requests withdrawal of the rejection of claims 1, 6, 9, 12 and 13 under 35 USC §102(b) over Shibata, and allowance of these claims and new claim 23.

With respect to the rejection of claims 3, 4, 10 and 11 under 35 USC §103(a) over Shibata, claim 5 under 35 USC §103(a) over Shibata in view of van den Bergh, and the rejection of claim 7 under 35 USC §103(a) over Shibata in view of Svensson, applicant respectfully asserts that van den Bergh and Svensson suffer the same shortcomings of Shibata. That is, none of Shibata, van den Bergh or Svensson teach or suggest a magnet arrangement constructed an autonomous modular unit integrating within itself a magnetic pole (11), a control circuit (18) and a power supply unit (23, 24; 24, 41; 24, 47).

Claims 3-5, 7, 10 and 11, therefore, are not unpatentable under 35 USC §103(a) over Shibata, over Shibata in view of van den Bergh or over Shibata in view of Svensson. Applicant respectfully requests withdrawal of the rejection of claims 3-5, 7, 10 and 11 under §103(a) over any combination of Shibata, and van den Bergh or Svensson, and the allowance of these claims.

In view of the amendment to independent form of claims 2 and 14, these claims and claims 8 and 15-22 that depend from claim 2 are believed to be patentable over Shibata alone, and Shibata combined with van den Bergh or Svensson, and applicants respectfully request the allowance of these claims.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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